

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

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AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36475, July 31, 1991, unless otherwise noted.

250.001 Definitions.

As used in this part,
Secretarial level means—

(1) An official at or above the level of an Assistant Secretary (or Deputy) of Defense or of the Army, Navy, or Air Force; and

(2) A contract adjustment board established by the Secretary concerned.

Subpart 250.1—General

250.102-70 Limitations on payment.

See 10 U.S.C. 2410(b) for limitations on Congressionally directed payment of a request for equitable adjustment to contract terms or a request for relief under Pub. L. 85-804.

[63 FR 11541, Mar. 9, 1998, as amended at 68 FR 15380, Mar. 31, 2003]

250.105 Records.

(1) Departments and agencies will—

(i) Prepare a preliminary record when a request for a contract adjustment under FAR 50.3 is filed (see 250.305-70).

(ii) Prepare a final record stating the disposition of the request (see 250.306-70).

(iii) Designate the offices or officials responsible for preparing, submitting, and receiving all records required by this part 250. Records shall be maintained by the contract adjustment boards of the Army, Navy, and Air Force, respectively, and by the headquarters of the defense agencies.

(2) A suggested format for the record is in Table 50-1, Record of Request for Adjustment. This format permits the information required for the preliminary and final records to be combined on one form.

(3) The following instructions are provided for those items which are not self-explanatory:

(i) *Extent of performance as of date of request.* State degree of completion of contract; e.g., 50 percent completed or performance not yet begun. If work is completed, state date of completion and whether final payment has been made.

(ii) *Award procedure.* State whether contract was awarded under sealed bidding or negotiated procedures. Cite specific authority for using other than full and open competition, if applicable, e.g., 10 U.S.C. 2304(c)(1).

(iii) *Type of contract.* State type of contract (see FAR part 16); e.g., FFP (firm fixed-price).

(iv) *Category of case.* State whether the request involves a modification without consideration, a mistake, or an informal commitment. If the case involves more than one category, identify both; list the most significant category first.

(v) *Amount or description of request.* If the request is expressed in dollars, state the amount and whether it is an increase or decrease. If the request cannot be expressed in monetary terms, provide a brief description; e.g., “Cancellation” or “Modification.” Even if the adjustment is not easily expressed in terms of dollars, if the contractor has made an estimate in the request, that estimate should be stated.

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(vi) *Action below Secretarial level.* State the disposition of the case, the office that took the action and the date the action was taken. The disposition should be stated as "Withdrawn," "Denied," "Approved," or "Forwarded." If the request was approved, in whole or in part, state the dollar amount or nature of the action (as explained in paragraph (v) of this section). The date should correspond with the date of the memorandum of decision or of the letter forwarding the request to the con-

tract adjustment board or other deciding body.

(vii) *Action by contract adjustment board and date.* State the disposition and date of disposition of the case by the contract adjustment board. Provide the same information as for paragraph (vi).

(viii) *Implementation and date.* State the appropriate action; e.g., "Modification," "New Contract," or "Letter of Denial."

<input type="checkbox"/> PRELIMINARY		RECORD OF		FINAL <input type="checkbox"/>	
DATE OF REQUEST		REQUEST FOR ADJUSTMENT PUBLIC LAW 85-804		DATE RECEIVED BY GOVERNMENT	
CONTRACTOR'S NAME AND ADDRESS					
<input type="checkbox"/> SMALL BUSINESS					
NAME AND ADDRESS OF CONTRACTOR'S REPRESENTATIVE, IF ANY					
COGNIZANT CONTRACTING OFFICER OR OFFICE			PROCURING ACTIVITY		
PROPERTY OR SERVICE INVOLVED			EXTENT OF PERFORMANCE AS OF DATE OF REQUEST		
CONTRACT NUMBER		DATE	ADVERTISED OR NEGOTIATED		TYPE OF CON- TRACT
CATEGORY OF CASE			AMOUNT OR DESCRIPTION OF REQUEST		
ACTION BELOW SECRETARIAL LEVEL					DATE
ACTION BY CAB					DATE
IMPLEMENTATION					DATE
ADDITIONAL DATA OR REMARKS					
DATE THIS RECORD SIGNED				SIGNATURE	

Subpart 250.2—Delegation of and Limitations on Exercise of Au- thority

250.201 Delegation of authority.

(b) Authority under FAR subpart 50.4 to approve actions obligating \$50,000 or less may not be delegated below the

level of the head of the contracting activity.

(d) In accordance with the acquisition authority of the Under Secretary of Defense (Acquisition, Technology, and Logistics (USD (AT&L))) under 10 U.S.C. 133, in addition to the Secretary of Defense and the Secretaries of the